

1-1 By: Minjarez, et al. H.B. No. 37
 1-2 (Senate Sponsor - Perry, Menéndez)
 1-3 (In the Senate - Received from the House May 8, 2019;
 1-4 May 13, 2019, read first time and referred to Committee on Criminal
 1-5 Justice; May 17, 2019, reported favorably by the following vote:
 1-6 Yeas 6, Nays 0; May 17, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the creation of the criminal offense of mail theft.
 1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-20 SECTION 1. Chapter 31, Penal Code, is amended by adding
 1-21 Section 31.20 to read as follows:
 1-22 Sec. 31.20. MAIL THEFT. (a) In this section:
 1-23 (1) "Disabled individual" and "elderly individual"
 1-24 have the meanings assigned by Section 22.04.
 1-25 (2) "Identifying information" has the meaning
 1-26 assigned by Section 32.51.
 1-27 (3) "Mail" means a letter, postal card, package, bag,
 1-28 or other sealed article that:
 1-29 (A) is delivered by a common carrier or delivery
 1-30 service and not yet received by the addressee; or
 1-31 (B) has been left to be collected for delivery by
 1-32 a common carrier or delivery service.
 1-33 (b) A person commits an offense if the person intentionally
 1-34 appropriates mail from another person's mailbox or premises without
 1-35 the effective consent of the addressee and with the intent to
 1-36 deprive that addressee of the mail.
 1-37 (c) Except as provided by Subsections (d) and (e), an
 1-38 offense under this section is:
 1-39 (1) a Class A misdemeanor if the mail is appropriated
 1-40 from fewer than 10 addressees;
 1-41 (2) a state jail felony if the mail is appropriated
 1-42 from at least 10 but fewer than 30 addressees; or
 1-43 (3) a felony of the third degree if the mail is
 1-44 appropriated from 30 or more addressees.
 1-45 (d) If it is shown on the trial of an offense under this
 1-46 section that the appropriated mail contained an item of identifying
 1-47 information and the actor committed the offense with the intent to
 1-48 facilitate an offense under Section 32.51, an offense under this
 1-49 section is:
 1-50 (1) a state jail felony if the mail is appropriated
 1-51 from fewer than 10 addressees;
 1-52 (2) a felony of the third degree if the mail is
 1-53 appropriated from at least 10 but fewer than 20 addressees;
 1-54 (3) a felony of the second degree if the mail is
 1-55 appropriated from at least 20 but fewer than 50 addressees; or
 1-56 (4) a felony of the first degree if the mail is
 1-57 appropriated from 50 or more addressees.
 1-58 (e) An offense described for purposes of punishment by
 1-59 Subsection (d)(1), (2), or (3) is increased to the next higher
 1-60 category of offense if it is shown on the trial of the offense that
 1-61 at the time of the offense the actor knew or had reason to believe

2-1 that an addressee from whom the actor appropriated mail was a
2-2 disabled individual or an elderly individual.

2-3 (f) If conduct that constitutes an offense under this
2-4 section also constitutes an offense under another law, the actor
2-5 may be prosecuted under this section, the other law, or both.

2-6 SECTION 2. This Act takes effect September 1, 2019.

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